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Security Council

Forty-ninth Year

Provisional

3483rd Meeting

Friday, 16 December 1994, 4.25 p.m.

New York

President:	Mr. Bakuramutsa	(Rwanda)
Members:	Argentina	Mr. Cárdenas
	Brazil	Mr. Sardenberg
	China	Mr. Li Zhaoxing
	Czech Republic	Mr. Kovanda
	Djibouti	Mr. Olhaye
	France	Mr. Mérimée
	New Zealand	Mr. Keating
	Nigeria	Mr. Gambari
	Oman	Mr. Al-Khussaiby
	Pakistan	Mr. Marker
	Russian Federation	Mr. Lavrov
	Spain	Mr. Yañez-Barnuevo
	United Kingdom of Great Britain and Northern Ireland	Sir David Hannay
	United States of America	Mr. Inderfurth

Agenda

Security Council working methods and procedure

Letter dated 9 November 1994 from the Permanent Representative of France to the United Nations addressed to the Secretary-General (S/1994/1279)

94-87494 (E)

This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one week of the date of publication*, to the Chief of the Verbatim Reporting Section, room C-178.

The meeting was called to order at 4.25 p.m.

Adoption of the agenda

The agenda was adopted.

Security Council working methods and procedure

Letter dated 9 November 1994 from the Permanent Representative of France to the United Nations addressed to the Secretary-General (S/1994/1279)

The President *(interpretation from French):* I should like to inform the Security Council that I have received letters from the representatives of Australia, Austria, Canada, Denmark, Indonesia, the Islamic Republic of Iran, Italy, Japan, Poland and Turkey in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Rowe (Australia), Mr. Sucharipa (Austria), Mr. Karsgaard (Canada), Mr. Haakonsen (Denmark), Mr. Wibisono (Indonesia), Mr. Kharrazi (Islamic Republic of Iran), Mr. Fulci (Italy), Mr. Owada (Japan), Mr. Wlosowicz (Poland) and Mr. Batu (Turkey) took the places reserved for them at the side of the Council Chamber.

The President (*interpretation from French*): The Security Council will now begin its consideration of the item on the agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/1994/1279, which contains the text of a letter dated 9 November 1994 from the Permanent Representative of France to the United Nations addressed to the Secretary-General.

I should like to draw the attention of the members of the Council to the following other documents: S/1994/1313, letter dated 18 November 1994 from the Permanent Representative of New Zealand to the United Nations addressed to the President of the Security Council, and S/1994/1384, note verbale dated 6 December 1994 from the Permanent Representative of Brazil to the United Nations addressed to the Secretary-General.

Mr. Mérimée (France) (*interpretation from French*): The French delegation did not request a discussion of Security Council working methods and of the degree to which the Council's meetings are public in order to follow fashion or to play an attractive role in the current consideration of the transparency of the Security Council. We did so because of an observation and an evaluation.

Our observation was an obvious one: there is a certain uneasiness in relations between the Security Council and Members of the United Nations. I shall not dwell on this point, because everyone is aware of it.

Our evaluation is that this uneasiness results in large part from the fact that informal consultations have become the Council's characteristic working method, while public meetings, originally the norm, are increasingly rare and increasingly devoid of content: everyone knows that when the Council goes into public meeting everything has been decided in advance.

Thus, all of the Council's work takes place behind closed doors, without observers and without a written record. We think this is a dangerous departure. First of all, it runs counter to rule 48 of the Council's provisional rules of procedure, which provides that

> "Unless it decides otherwise, the Security Council shall meet in public".

Public meetings are therefore the rule, and non-public meetings the exception. I should note that informal meetings are not even real Council meetings at all; they have no official existence, and are assigned no number. Yet it is in these meetings that all the Council's work is carried out.

The result of this situation is strong frustration and a lack of information. There is frustration among non-members of the Council; and members of the Council have inadequate information because there are too few opportunities for debate for them to understand the general feelings of those interested in items on the Council's agenda.

Two kinds of measures could deal with the drawbacks of this situation. The first — which we think would be bad — would be to make these informal

meetings more public. But informal meetings are necessary as all those involved in multilateral diplomacy know. It is during informal meetings that we achieve compromises that delegations initially accept *ad referendum* and not on the basis of instructions from the Governments. Holding such negotiations in public would obviously slow them and paralyse them. I think that is just common sense.

The other possibility, which we advocate, is to restore the balance between official meetings and informal consultations. In our view, we must distinguish between, on the one hand, information, consultation and general exchanges of views — which with some exceptions could be the subject of public debate — and, on the other hand, negotiation and the drafting of texts, for which other procedures are preferable.

That division, of course, is but a suggestion: in these matters we must flee any hint of the systematic. The choices are a matter of common sense. For example, we think that when members of the Council receive a report from the Secretary-General and conduct an exchange of views on that report, the exchange of views could be held in public. Similarly, when a Council member proposes a draft resolution, it could introduce and argue for the text in a public meeting.

That is the thrust of the French *aide-mémoire* circulated on 11 November 1994 as an official document of the General Assembly and of the Security Council. Clearly, the measures it proposes are not intended to replace other transparency measures already in place, including those set out in presidential statements of 3 May 1994 (S/PRST/1994/22) and 4 November 1994 (S/PRST/1994/62) relating to consultations with troop contributing countries, but rather to supplement them.

As to the way to implement this initiative, the French delegation is open to all suggestions. We believe we should proceed without haste and should engage in experimentation. We do not think that any specific decision of the Council seems necessary, for we are merely recommending the restoration of the Council's normal practice: the rebirth of the principle of public meetings, which has never ceased, at least in writing, to be the rule. Initially, we would want each President of the Council to decide at the beginning of each monthly term to determine, through bilateral consultations, the subjects on which a public debate could be useful, and to propose a programme of such subjects to the other members of the Council. To preserve the effectiveness of the Security Council and to avoid excessively protracted debates — which would defeat the purpose of this exercise — it would also be desirable to take measures to exhort speakers to be moderate. We have no doubt that all speakers would understand that it was in their own clear interest to practise restraint and brevity.

The exercise we wish to begin is not a short-term endeavour. There is no point in acting hastily. But we must show determination if the Council is to move closer, little by little, but persistently, to a harmonious balance between public meetings and non-public consultations. We count here on the support of all delegations.

During the General Assembly debate on increase in the membership of the Security Council, many Permanent Representatives stressed the need to strengthen the trust between the Security Council and the membership of the United Nations at large. Our sole objective in having made the proposals before the Council today is to reinstate the conditions for that indispensable trust. I am profoundly convinced that this objective is not beyond our reach if we make the necessary effort.

Sir David Hannay (United Kingdom): My delegation welcomes this opportunity to discuss the proposals on Security Council working methods, first made by the French Minister for Foreign Affairs, Monsieur Alain Juppé, in his speech to the General Assembly earlier this autumn.

We believe that it is necessary to work systematically for the greatest possible transparency in the work of the Security Council consistent with its efficiency and effectiveness. The desire to enhance the flow of information and the exchange of views between the Security Council and the General Assembly lay behind the Council's decision of June 1993 to establish an informal working group on documentation and other procedural matters. That working group has met regularly, and a number of important steps have been taken following recommendations made by it. Among these are changes to the annual report, to which I referred in some detail when, as President of the Council, I had the honour to introduce this year's report of the Security Council to the General Assembly in the Assembly on 31 October.

Other steps taken include the decision that draft resolutions in "blue" should be made available to non-members of the Council and the decision to make available to all Member States the tentative forecast of

the Council's programme of work for each month. This year the practice has been instituted of annexing to that forecast a list of forthcoming reports by the Secretary-General as requested by the Council, as well as the schedule of forthcoming reviews or renewals of mandates of peace-keeping operations and of sanctions regimes.

The working group has also given consideration to the important question of briefing Member States on the progress of informal consultations, without prejudicing the confidentiality and the efficiency of the consultation system itself. The first informal presidency briefing of non-members on the current work of the Council took place, under the presidency of the United Kingdom, on 27 October. This practice has been continued during the presidencies of the United States of America and Rwanda. We believe that it should become a regular feature of Council business.

Finally, there has been much discussion this year in the Council of ways to enhance consultations and exchanges of information with troop-contributing countries regarding peace-keeping operations. The presidential statement of 4 November 1994 represented a significant step forward in this regard. Meetings will now be held, as a matter of course, between members of the Council, troop-contributing countries and the Secretariat whenever the Council is to take decisions on the extension or termination of, or on significant change in, the mandate of a particular peace-keeping operation. These meetings will be chaired jointly by the President of the Security Council and the Special Political Adviser to the Secretary-General, assisted by the Under-Secretary-General or Assistant Secretary-General for peace-keeping.

The expected schedule of such meetings will be indicated in the monthly tentative forecast of work of the Council, and each meeting will be announced, in advance, in the *Journal* of the United Nations. The Security Council has also asked that an informal paper, including topics to be covered and drawing attention to relevant documentation, be circulated by the Secretariat well in advance of such meetings.

Furthermore, the statement of 4 November 1994 made it clear that the President of the Council, in the course of informal consultations of members of the Council, will summarize the views expressed by participants at the meetings with troop-contributors. These new arrangements are in their early stages of implementation, and effort is needed by all concerned — by Council members, by troop-contributors and by the Secretariat — to make them work effectively and to the satisfaction of all. But work they must. It is important both to the troop-contributors and to Council members that the exchange of views should be as full and frank as possible.

The proposal before us today — namely, that there should be greater recourse to open meetings of the Council, particularly in the early stage of its consideration of a subject — is consistent with these other efforts that the Council is making to enhance the transparency of its work and to enable members to hear the views of other Member States, and should, in my delegation's view, be seen as complementary to them. We agree with the view expressed by the Government of France in its *aide-mémoire* that there can be no question of giving up the practice of informal consultations. That reflects the need to strike a balance between the justifiable call for greater transparency in the work of the Council and retention of its efficiency and effectiveness.

The informal consultations through which so much of the Council's work is conducted lie at the heart of the system and must be retained. But much can be done while retaining that crucial balance between transparency and effectiveness. It is in that spirit that we give our support to the French proposal. Open, public meetings of the Council not only give the general United Nations membership an indication of the thinking of Council members but also can provide an opportunity for the Council to hear the views of those most directly concerned with a given subject, such as the States from a region in which a dispute occurs.

In our prior consultations in the Council, Council members have expressed a clear will to respond favourably to this French proposal. I hope that the Council will, therefore, as part of its efforts to improve the flow of information and the exchange of ideas between members of the Council and other Members of the United Nations, have greater recourse to open meetings — in particular, at an early stage in its consideration of a subject. The Council will need to decide on a case-by-case basis when to schedule public meetings of this sort. In our view, the Working Group on Documentation and Procedure should examine this question further in the light of the views expressed today and should submit a report as soon as possible.

My delegation will listen carefully to what is said today and will participate actively and positively in further discussion and implementation of the proposal.

Mr. Li Zhaoxing (China) *(interpretation from Chinese)*: It is the consistent position of the Chinese delegation that the work of the Security Council should be transparent and democratic. Matters concerning the world should be settled by all countries through consultation, and those concerning the United Nations by all Member States through discussion on an equal footing. Making this happen is the democratization of international affairs.

Today's discussion, at a formal meeting of the Security Council, of the question of enhancing the transparency of the Council's work is an indication of the desire of its members to make the Council more democratic. The Chinese delegation welcomes and supports this move.

Under the Charter of the United Nations the Security Council has primary responsibility for the maintenance of international peace and security. In fulfilling this responsibility it acts on behalf of all Member States and must, therefore, be accountable to them. In this sense, democracy and transparency in the work of the Council will improve the general membership's understanding of its decision-making process, thus enhancing the authority of its decisions, as well as its credibility.

Democracy and transparency are means of enhancing the efficiency and efficacy of the Security Council. This may be the post-cold-war era, but the world is certainly not tranquil. Intermittent conflicts and crises pose new challenges to the Security Council. It should therefore enhance its efficiency in accordance with the relevant provisions of the United Nations Charter to enable it to discharge more effectively its duties with regard to the maintenance of international peace and security.

If this is to happen, however, it is essential that the Council take effective measures to make its work more transparent and democratic and, thereby, ensure strong support and cooperation from the general membership at all stages of its work.

There are various ways and means of making the Security Council's work more democratic and transparent. The Council should not limit itself to a single method. Where necessary, there should be more public meetings so that the Council might hear an extensive range of Member States' views on a subject under consideration. That would be a good practice.

It is also important that members of the Security Council improve communication and information exchanges with other United Nations Members. Of equal significance is the need for the President of the Council to exchange views with the President of the General Assembly and with the chairmen of regional groups and for the Council to conduct regular consultations with troop-contributing countries.

Mr. Sardenberg (Brazil): The delegation of Brazil welcomes this opportunity to have a public debate on the working methods and procedures of the Security Council. The proposal, submitted by the delegation of France, that there should be a discussion of modalities for having greater recourse to open meetings of the Council is particularly timely, as it fits into the context of a wide-ranging process of reflection, currently under way in the United Nations, on the functioning of this principal organ.

Brazil has consistently advocated the strengthening of the Security Council through the enhancement of its legitimacy and authority before the eyes of the international community. In order to achieve this goal, it should become, not only more representative and effective, but also more transparent and accountable. Since the Council acts on behalf of all the Members of the Organization in carrying out its primary responsibility for the maintenance of international peace and security, the international community has a legitimate reason to expect that the exceptional powers vested in this body will be properly exerted and accounted for.

The analysis of recent practices in the Security Council and the case for a better balance between official meetings and informal consultations, as presented in the *aide-mémoire* submitted by the delegation of France in document S/1994/1279, are quite well taken, and my delegation fully subscribes to them. The modalities proposed therein for reducing the opacity in the functioning of the Council also seem very helpful, and my delegation looks forward to examining their content in fuller detail.

I believe it is only fair to acknowledge that there have been noticeable improvements in the working methods of the Council in recent times. While these improvements may not be materializing as quickly as desired by many delegations, or to the extent they desire incremental progress is being achieved in a flexible manner. It is the expectation of my delegation that this course is irreversible and will gain further momentum.

Having said that, I would like to underscore two aspects that should be kept in perspective in the deliberations concerning the working methods and procedures of the Council.

One of them is the question of the legality of the existence of informal consultations, referred to in paragraph 12 of the French *aide-mémoire*. Indeed, the provisional rules of procedure of the Council, in their current format, make no provision for informal consultations. Rule 48 stipulates that the Council shall meet in public unless it decides otherwise. Rule 51 states that private meetings shall have a record, and rule 55 determines that at the close of each private meeting the Security Council shall issue a communiqué through the Secretary-General. Informal consultations do not fit into any of these formats.

Since a substantial and substantive portion of the work of the Council takes place within informal consultations, my delegation believes that the current rules of procedure should be updated in order, *inter alia*, to acknowledge the legal existence of informal consultations. Otherwise, we may be confronted with a paradoxical situation in which decisions having important legal consequences, such as the review of sanctions regimes, are taken at meetings that have no legal existence. Moreover, by updating the rules of procedure, adequate ways may be found to establish a proper balance between the holding of public meetings and the holding of informal consultations. My delegation deems that the Council should seriously consider this course of action, taking duly into account the views of the membership at large of the Organization.

The second aspect to be stressed is that procedural reformulations in the working methods of the Council, meritorious as they may be, should not be taken as palliatives for a substantive restructuring of the Council itself. While more transparency may help to enhance its visibility, the effectiveness of the Council in discharging its responsibilities is more directly correlated to the adequacy of its structures for present realities and challenges. Therefore, the present exercise in transparency is only one element which should be considered within the wider context of the overall efforts undertaken by the Organization's membership at large in enhancing the legitimacy, authority, representativeness and effectiveness of the Security Council.

The delegation of Brazil will continue to cooperate in this endeavour in all relevant instances of the United Nations.

Mr. Gambari (Nigeria): My delegation would like, through you, Mr. President, to thank the delegation of France for its initiative concerning the working methods of the Security Council, an issue which is not only important, but also timely, as we look forward to the celebration of the fiftieth anniversary of our Organization. It is an appropriate response to some of the criticisms which have justifiably been made against the Security Council by most States Members of the United Nations. The Security Council, in which Member States have invested a great many expectations and aspirations, would be failing in its duties if it were unable to take due cognizance of the mood of the Organization's general membership relative to the need for greater transparency in its working methods.

In our view, however, it is proper to place in perspective some of the important steps which the Security Council has taken recently in response to the strong feelings expressed by the United Nations membership for more transparency, through increased and regular dialogue with members of the Security Council. These include the arrangement for regular consultations between Security Council members and troop-contributing countries and briefings of delegations of Member States by successive Presidents of the Security Council of the outcome of the Council's informal consultations, with the objective of keeping Member States abreast of current issues before the Council and of the stages of decision-making on such issues. These positive developments should be continued and even improved upon.

The French initiative under consideration, as my delegation understands it, envisages a formal meeting of the Security Council during which Member States and Security Council members will be able to express their views on matters under consideration in the Council. This is expected to precede informal consultations of the Council, which have tended to dominate the Council's working methods in recent times. My delegation agrees with the viewpoint that the present procedures do not afford Member States outside the Council — in particular, those directly concerned with the subject-matter — to express their views and thus contribute effectively to the outcome of the Council's final decisions on pertinent questions. Indeed, the current state of play, whereby Member States are able to express their views on issues only after the Security Council has already taken its decision, is definitely not very satisfactory.

My delegation believes that unless this procedure is carefully managed there is a possibility that the idea of an open meeting prior to the Council's informal consultations, as in the proposal before us, could become counter-productive. I shall explain why. We would submit that the open meetings advocated in the proposal must not be allowed to serve as an occasion for aggrieved parties to play out their differences and consequently detract from the effective conduct of the business of the Council, whose primary objective is to advance the peaceful resolution of conflicts. In order to obviate this possible difficulty it is necessary, in our view, prior to the holding of such open meetings, to agree on a structured agenda for the Council's business against the background of the Secretary-General's report on the relevant subject. Furthermore, the President of the Security Council must be given the flexibility to act on behalf of all Council members with regard to the timing, duration and regularity of such open meetings.

My delegation wishes to emphasize that transparency is a multifaceted process that transcends relationships between the Security Council and other organs of the United Nations system. It must also include greater openness among Council members within the Security Council itself, for we feel that genuine transparency on this basis must necessarily include a readiness and disposition on the part of all Council members — not some, but all — to share information fully and consult more openly and at an early stage, before proposals are formally submitted. In addition, all delegations should receive advance or regular copies of the reports of the Secretary-General at the same time, not some of them before others. Such new endeavours and new processes will engender increased confidence and facilitate decision-making involving all members of the Security Council.

Finally, the preamble of the Charter of the United Nations begins with the noble words, "We the peoples of the United Nations". The Security Council must truly act and be seen to act on behalf of the peoples of the United Nations — all of the peoples, not some of them. Reforms in the working methods of the Security Council aimed at achieving greater transparency are consistent with this Charter requirement and will ensure that the Council is more responsive and more responsible to the yearnings of the entire membership of the United Nations and accountable to it in the discharge of its duties.

Mr. Al-Khussaiby (Oman): If we study and analyse the statements made by many delegations of Members of the international Organization in the context of the plenary meetings of the current session of the General Assembly or in the discussions that took place within the Open-Ended Working Group entrusted with the task of studying Security Council membership and other questions relating to the Council's work, chances are that most of those delegations touched in one way or another on the Security Council's working methods, on the need for a greater transparency in the work of the Council and on improving the flow of information to States non-members of the Council. This is an indication of the enormous importance those delegations attach to this issue.

It is in this context that my delegation welcomes the French initiative aimed at improving transparency through a more frequent recourse to general debates prior to the Council's reaching a decision on an issue before it. We believe that that initiative, if implemented, will go a long way towards alleviating the concerns expressed by many delegations.

It would afford the States more directly concerned in a given situation or conflict, as well as troop-contributing countries, a better opportunity for an exchange of views on how the Council could best tackle a problem prior to its taking a definite stand on it. This, in our opinion, would also have a stimulating and enriching effect on the Council's discussions and deliberations on the various issues. Moreover, my delegation believes that such participation is a legitimate right of non-members of the Council stemming not only from the fact that the Council acts on their behalf but also from the fact that they are bound by its decisions.

We should like to emphasize the importance of preserving the distinctive nature of informal consultations, in which Council members feel more at ease to express more freely and openly their views on the various issues before the Council, especially with regard to sensitive conflicts taking place in their respective regions and elsewhere.

The French initiative points out that the recourse to open debate will be on a case-by-case basis. In other words, it is for the Council to decide whether or not to subject a particular issue to an open debate. This is something we understand, since it is compatible with the fact that the Council is the master of its procedures. However, it is our opinion that this issue deserves further careful study before a decision is taken.

Whatever the case may be, any improvement in the Council's working methods should be formulated in a manner that enables it to carry out its responsibilities for

maintaining peace and security in a prompt and effective manner and in accordance with the circumstances surrounding each situation, as well as in complete adherence to the Charter of the United Nations and the rules and regulations of the Security Council.

In conclusion, my delegation, as a non-permanent member of the Security Council, welcomes once again the French initiative and stands ready to work closely with other members in the future discussions of this matter.

Mr. Yañez-Barneuvo (Spain) (*interpretation from Spanish*): My delegation would like at the outset to express to the delegation of France our appreciation for the important initiative it has taken to ensure greater transparency in the Security Council's activities.

A little over a month ago the Security Council, in a presidential statement on 4 November announcing its decision to implement new arrangements for consultations with countries contributing troops to peace-keeping operations, clearly showed that it was determined to adapt its working methods and bring them up to date. In taking that decision the Council gave new momentum to the process of exchanging information with all Member States. In so doing, it was responding, albeit partially, to the general feeling of the Organization's membership — a feeling reiterated by the delegations that spoke in the debate in the Council that took place during the meeting held on 4 November following the reading of the presidential statement — that there was a need for better and more effective communication between members of the Security Council and the other States Members of the Organization.

I have mentioned the process of adaptation, because the presidential statement of 4 November and the other significant progress that had been achieved over the preceding months were part of a move towards transparency that had its beginnings in decisions taken by the Security Council on 30 June 1993. I am happy to refer to this because at that time Spain was President of the Council. This series of decisions, which were procedural and operational in nature, were ultimately aimed at creating, in a pragmatic and flexible manner, greater transparency and flexibility in the work of the Council. All of this leads to an increase in the legitimacy and credibility of the Security Council in the eyes of Member States, on whose behalf, in accordance with Article 24 of the Charter, the Council acts, and, ultimately, to greater effectiveness of its decisions.

With this in mind, the Spanish delegation welcomes France's proposal that we place greater emphasis on public debate in the Security Council's work. This proposal would require a new phase to be initiated in this process. My delegation views favourably the ideas contained in the *aide-mémoire* distributed by the Permanent Representative of France with his letter dated 9 November 1994 addressed to the Secretary-General, and we fully support the spirit underlying this initiative.

France's *aide-mémoire* addresses the two principal means of exchanges of information in the relationship between the Security Council and the rest of the membership of the Organization, including other members of the international community. On the one hand, the idea of holding public orientation debates, open to the participation of all Members of the Organization at the beginning of the consideration of a new item or when there is to be an important debate, would seem to be the most effective way of ensuring a broad exchange of views that could lay the groundwork for subsequent action by the Security Council. Unquestionably, this greater participation of States Members of the Organization in the deliberation process — especially the participation of those States most directly affected by a situation under consideration by the Council — would serve to make clear to the Members that the representative nature of the Council and adherence to its decisions were being reinforced.

The second element of France's initiative — that public meetings be convened for exchanges of views between members of the Security Council on a given item — would also require that progress be made towards achieving transparency in the Council's work by establishing a new balance in its present methods of work. The most immediate effect would be to enhance the Council's status in the eyes of the Members of the Organization. In general, we agree that greater public exposure for the Council's activities would in no way undermine the necessity or the usefulness of informal consultations of the members of the Council, which are indispensable to the taking of decisions that are balanced, constructive and capable of commanding the fullest measure of support within the Council.

We are fully confident that the Security Council, on the basis of the ideas submitted by France and with the support of other delegations, will continue to redefine and improve its methods of work during this new stage in the relations between the Council and the full membership of

the Organization. We consider that this process has already begun and is now irreversible.

Mr. Marker (Pakistan): The Pakistan delegation welcomes the proposals contained in document S/1994/1279 of 11 November 1994 and congratulates the French delegation on this important initiative. The long-standing practice of informal consultations confined to the members of the Security Council has become almost the sole mechanism for arriving at decisions of the Council. It is a practice which has become institutionalized, and this in turn has led to a consistent demand by the general membership of the United Nations for greater transparency in the work of the Security Council.

The confidentiality of the discussions in the Council has tended to create a somewhat unfortunate impression of secret deals being struck or pressure being brought on non-permanent members by the major Powers to promote their own interests at the expense of the smaller States. Nevertheless, there is a view that confidentiality of exchanges is essential for the decision-making process, including the achievement of consensus, and for the effective dispatch of business of the Security Council. Indeed, much of the new-found effectiveness of the Council can be attributed to the procedure of confidentiality, which provides the climate for free-ranging, sometimes almost uninhibited debates which precede, influence and eventually shape the decisions that finally emerge from the Council's consideration. The informal consultations procedure also possesses the considerable advantage of providing flexibility to delegations during the negotiating process.

The main problem, in our view, is not the institution of informal consultations. It is, rather, the overtly heavy reliance on this mechanism that breeds dissatisfaction among the non-members. It is therefore clear that there is a need to arrive at a realistic balance between transparency and confidentiality, as well as between informal consultations and public or official meetings. The question then is: what represents the ideal or the most viable balance? While, for some, the preference is for confidentiality for others the emphasis is on transparency.

As I have just stated, my delegation does accept the practical utility of informal consultations. Indeed, it would be counterproductive to introduce any innovation which might disrupt the role of these consultations in enhancing the efficiency and effectiveness of the Council. For instance, the preparation of verbatim or summary records of informal consultations may not be a viable proposition, as it would compromise the principle of confidentiality maintained in informal exchanges. This confidentiality, by, *inter alia*, allowing greater scope for Council members to reach compromises on difficult issues, helps in the efficient functioning of the Council. By the same token, we feel that it is absolutely essential that briefings to the Council by the Secretary-General and the discussions that follow if they are to be at all valuable, should take place only during informal consultations. The same confidentiality would need to be preserved for briefings to the Council on sensitive issues by other officials.

None the less, while seeking greater transparency in the Council's work as well as a better flow of information to non-members, we have to acknowledge in all fairness the improvements already made in this context over the past few years. The many steps taken by the Security Council include the publication of the Council's agenda of work for each day in the United Nations *Journal*; circulation of the monthly forecast of the Council's programme of work to the entire United Nations membership; some improvement in the format of the Security Council's annual report to the General Assembly; the decision to hold meetings between Council members, troop-contributing countries and the Secretariat to facilitate exchanges of information prior to important Council decisions on peace-keeping operations; and the latest institution of the Council presidency's giving periodic briefings to non-members of the Council on the work of the Council.

While all these measures have been welcomed, an overwhelming number of United Nations Members remain dissatisfied with the degree of visibility which is currently available to them. Therefore, in the immediate context, we welcome the French proposal for working on two possibilities: orientation debates open to the participation of the entire United Nations membership, and public meetings of the Council without the participation of non-Council Member States.

However, the question of transparency cannot be fully addressed by merely holding orientation and public debates occasionally or even frequently. Other steps that could be taken without compromising the institution of informal consultations are, first, direct consultations between troop-contributing countries and Security Council members, rather than their participation at meetings jointly chaired by the Secretariat and the presidency, especially when taking important decisions affecting a mission; secondly, making the proceedings of the sanctions committees more transparent, especially for

those countries affected directly or indirectly by them; thirdly, a more frequent use of the "Diego Arria format" in order to receive direct inputs from the parties to a conflict or from representatives of different organizations; fourthly, the appointment of a rapporteur, who could attend all Council meetings and could then brief non-members regarding the consultations; and, fifthly, improvements in the working methods of the Security Council by reviewing its provisional rules of procedure, particularly chapters II, VI and IX.

Members of the Council might wish to consider for example, the feasibility of introducing draft resolutions, when deemed appropriate, at a formal meeting of the Security Council. This procedure is being followed in the Committees of the General Assembly and is therefore by no means innovative. Non-members of the Security Council would then have the opportunity to present their views and comments to the sponsor or sponsors of the draft resolution, and these could then be considered in the informal consultation, where the draft resolution would obviously have to be negotiated before it is finally put before the formal meeting for adoption. Obviously, the choice of whether to introduce a draft resolution in a formal session or in informal consultations must rest with the sponsor or sponsors.

The question of transparency should not be addressed in a manner that brings about only cosmetic changes. Transparency is a broader issue, which not only aims to give fuller information to non-members but also to improve the relationship between the Security Council and the General Assembly. In conclusion, let me say that the French proposal for orientation and public meetings is a step in the right direction, but is just one part of the larger mosaic which is emerging.

Sustained and serious effort would continue to be required to address the other important matters pertaining to the reform and streamlining of the working methods of the Council.

Mr. Keating (New Zealand): New Zealand supports the idea of more public meetings of the Council. We have therefore given public support, in a letter to you, Mr. President, to the French initiative. We have also strongly supported the notion that this issue should be discussed here today. To be blunt, our particular concern in this area is that when consideration of a new issue begins, the party or parties concerned should be able publicly to state their position to the Council before the Council begins consideration of the problem. We recall at least two occasions in the course of this year when States Members of the Organization requested that the Council take up an issue and they very strongly wished the opportunity to present their case to the Council collectively. The Council's procedures, at the time, did not permit that, and it was felt by my delegation to be very unfortunate. So for that reason, more than anything else, we have strongly supported the initiative of the delegation of France.

We, therefore, believe that any decision permitting the Council to hold more open meetings to consider issues at the commencement of the consideration of a new issue should always be a matter of course. In such a matter, we do not believe that it would be acceptable that in some cases the Council would say "yes" and in others it would say "no". There must be no discrimination in such matters and, in particular, no discrimination between cases in which issues are raised by Members that are within the Council and those that are not.

The French proposals are therefore very welcome to my delegation. However, we feel that they do not go quite far enough. As the representative of Pakistan has just said, they are a step towards the necessary transparency. We feel that the Council should go further, and here there are some aspects of the French analysis with which we do not entirely agree. In particular, in the *aide-mémoire*, we have reservations about paragraph 12 on the status of informal consultations, where it is argued that informal consultations do not exist. But to say that they have no legal existence does not, of itself, make that correct. We believe that on this subject, we should look closely at the Articles of the Charter, in particular Articles 31 and 32.

No one in the Council would challenge the fact that decision-making must rest with the Council. The Charter makes that quite clear. It specifies that the participation to be accorded under Articles 31 and 32 is participation without the right to vote. Nor, I think, is anyone saying that the Council cannot or indeed should not meet behind closed doors when necessary. It will probably always be appropriate and necessary to have some private discussion. The question, as so many previous speakers have said, is the appropriate balance. My delegation believes that the current balance is not right. We believe that we have to ask ourselves what the legal outcome might be if a State, or a group of States, party to a dispute, and feeling aggrieved by the fact that they were not invited to participate meaningfully by the Council in

a matter of concern to them, should propose a draft resolution in the General Assembly requesting the International Court of Justice to give an advisory opinion.

I am not so sure that the answer would accord with the conclusions made in France's *aide-mémoire*. Let us look at Article 32 of the Charter, which says that those States "shall be invited". There is no question of discretion. It is not a matter that the Security Council can refuse. Secondly, they are invited to "participate ... in the discussion". I think to most people, discussion in this context implies participation in the formulation of the conclusions. Certainly, it implies participation at stages prior to finalization. I do not think that rule 48 of the provisional rules of procedure particularly helps in this context. It certainly does not help the argument that informal consultations do not exist, because it seems to me that an international tribunal might want to look at the evidence. What is the evidence? Well, first, are these meetings or not? United Nations practice, I think, is a very important consideration, and in fact we have instituted the practice of listing the meetings of informal consultations in the *Journal*. They are listed there under the heading entitled "Scheduled meetings". Certainly editors of the *Journal* believe that the informal consultations are meetings. And then we need to look at other kinds of evidence, like the activity which takes place in informal consultations. Now, many colleagues tonight have referred, in considerable detail, which I will not repeat, to the weighty matters that are considered in informal consultations and the preponderance of the Council's work that takes place in informal consultations. The representative of Brazil referred, I think very clearly, to the important decisions that are taken in informal consultations, not least in the context of reviews under sanctions resolutions. Here we have decisions which are legally mandated in resolutions for the Council to undertake reviews. The Security Council is required to undertake these reviews, and it does so in informal consultations. So there is a great deal of evidence that mandated legal action does actually take place in informal consultations.

These thoughts lead me to the conclusion that the representative of Brazil is absolutely right in saying that there is a need to update the Council's rules of procedure. I would probably disagree with the reasoning he advanced as to why the rules of procedure need clarification, but certainly there is a great deal of ambiguity in our rules at the present time, and I would support his proposal that they be reviewed and clarified in the Working Group in the near future.

Now, to go back to the proposals made by the representative of France, I want to repeat that I think his proposals contain some very useful steps towards transparency, and they complement the important and useful steps that have already been achieved in the course of the last 12 months. We think the Council can take considerable satisfaction in the fact that it is on the right path with measures such as that contained in the statement of 4 November last on consultations with troop-contributing countries and the processes that were outlined in the statement by the Permanent Representative of the United Kingdom.

But I do want to underline my strong belief that automaticity in the holding of open meetings at the beginning of the consideration of a new issue, without discrimination, should become a matter of course in this Council. As regards the broader use of open meetings, the consideration of reports of the Secretary-General and the consideration of important presentations such as the one we heard yesterday from the Vice-President of Rwanda, and the one we heard earlier in the year from President Shevardnadze: these have a very important place as regards the transparency of our Council. But these are only first steps on a road along which the Council must travel.

We believe that the United Nations has entered a new era — an era when the Council must not only operate effectively but must be seen to operate transparently and fairly, as envisaged in the Charter. If effectiveness becomes the sole criterion, then we fear that the Council will end up doing effectively less and less, because the Member States on which it relies to provide troops and funding for peace-keeping operations, and on whose behalf it acts, will increasingly withhold their support.

I commend this initiative and I hope that we will be able to take some more steps along this path in the coming year.

Mr. Cárdenas (Argentina) *(interpretation from Spanish)*: Today the Security Council has, once again, an opportunity to meet and discuss the question of its procedures. Thanks to the proposal set forth by France in the *aide-mémoire* annexed to the letter dated 9 November 1994 and contained in document S/1994/1279, we are able to do so.

The Republic of Argentina attaches great importance to the question of the procedures of the Security Council.

We believe that, through the proper use of these procedures, significant progress can be made towards the objectives of transparency, representativeness, interaction, openness, efficiency and effectiveness on the part of this organ of the United Nations, which bears the primary responsibility for the maintenance of international peace and security.

France quite rightly reminds us that rule 48 of the provisional rules of procedure states: "Unless it decides otherwise, the Security Council shall meet in public". France also reminds us that at the present time — and this has been going on for many years — the practice seems to have deviated quite significantly from what is provided for in this rule.

Today it can be stated that a substantial part of the work of the Security Council is carried on in so-called informal consultations, where there are intensive discussions of the matters before the Council. Decisions are proposed, negotiated and agreed upon. In certain cases, although with increasing frequency, decisions are adopted concerning, for instance, letters to be sent by the President, presidential statements, statements to the press, and even the dispatch of Security Council missions to conflict areas or situations.

Some see these informal meetings as actual meetings of the Council, although strictly speaking they are not. This view could perhaps be sustained from the purely formal and legalistic point of view, yet we do not really agree with it. In the opinion of our delegation, the norm, the standard — that is, the provisional rules of procedure of the Council — should always be interpreted in a reasonably broad way, particularly in the light of Article 30 of the Charter and the arguments which the Permanent Representative of New Zealand has just put forward, and with which my delegation concurs.

The French proposal suggests that we make more frequent use of public meetings in three particular cases: the adoption of a resolution or the reading out of a statement; the holding of an orientation debate open to all Members when the Council is taking up a new question or beginning its consideration of an important matter, and public exchanges of views among members of the Security Council.

The Republic of Argentina supports this initiative. It believes that it would be useful to explore the suitability and feasibility of putting into practice the new modalities proposed by France. We recognize that adjusting our current practice may take some time and would require a sincere will to do so.

We believe that we must seek an effective balance between such public meetings and informal consultations, which, in their present form, are enormously useful.

The intense pace of the Council's work over the past four years must prompt us to give careful consideration to the question how best to implement the French proposal. In the context of the foregoing, we believe that we should also reconsider the recent tendency to create working groups of the Council. Here we must proceed in the light, explicitly, of Article 29 of the United Nations Charter. In addition, we must also use special rapporteurs appointed by the Council itself for specific or general matters. We will return to this matter under rule 28 of the provisional rules of procedure in due course.

The question of transparency cannot however be limited to a discussion of what types of meetings the Council should hold, or of what combinations of types of meetings there should be. As my colleagues from Pakistan and New Zealand have said, the attitude taken in this regard has to be based on a certain form of conduct.

This year the Security Council has decided to implement a number of important initiatives concerning this and other matters. These include, *inter alia*, the Council's recent decision to hold meetings with troop-contributing countries and with the Secretariat, in the spirit of Article 44 of the Charter.

We would also like to highlight the decision that the President of the Security Council should report to the membership in general periodically with advance notice, on the results of informal consultations.

The Argentine delegation believes that the progress made, in the form of the procedures that we have just described, will need to be complemented by a series of measures which could contribute to the transparency, representativeness and efficiency of the Council. They might cover the following matters.

First, Article 32 of the Charter states that any Member of the United Nations which is a party to a dispute under consideration by the Security Council shall be invited to participate, without vote, in the discussion relating to the dispute.

We are well aware that the Council's discussions on a particular dispute almost always take place in informal consultations. Formal debates in which the parties to the conflict may take part have been to date, in general, occasions when decisions are adopted — decisions that have already been made in informal consultations. We believe that this can harm the parties to the conflict, as they must then delegate to another State — a member of the Council — the task of defending their position. The situation becomes even worse when — as has happened — one of the parties is a member of the Security Council and the other is not.

We believe that this might be remedied by inviting the parties in question to participate in the formal meetings, certainly but may be also, to a certain extent and with the corresponding limitations, in the informal discussions. We are, in fact, trying to remedy the situation through measures such as the "Arria" formula. But in our view this is but a palliative, perhaps unsatisfactory, because the real discussion continues to take place elsewhere.

Secondly, there is the question of transparency within the Security Council itself. We refer here to what could be termed "internal" transparency, previously referred to by, for instance, my colleague from Nigeria. After a year in the Council, we consider that information in the Council is not initially distributed in an entirely satisfactory way. This creates a certain inequality in the way in which various delegations can react to a particular issue.

It should be recognized that the Secretariat is making a significant effort to provide the members of the Council with up-to-date information. This effort has repeatedly led to considerable progress, including progress made recently. Nevertheless, we note that the information often reaches the press, during the media briefings held every morning, before it reaches the members of the Council. This should not necessarily be the case. Here it seems to us that attention to the need for transparency to some extent distorts and affects the very work of the Council.

This year, as is clear, the Council has begun a very positive debate on the procedures of the Security Council. The General Assembly has discussed this subject in a number of its forums — in particular, in the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council.

However, in our opinion, it is particularly noteworthy that the Security Council, including its permanent members — as this meeting shows — is prepared to listen very carefully to the message being sent by the membership in general in order to be able to act accordingly. We believe that this — which strengthens our joint work, ensures that a meeting of minds continues and encourages an active approach — is very positive for the Security Council and for its relationship with the membership in general. Its success, however, will ultimately depend on everyone's cooperation. It is not enough just to have an instrument; maximum use must be made of the opportunity that it provides.

The Argentine Republic is determined to continue to contribute to this process, which — through participation — aims to strengthen the Security Council and thereby enable it fully to discharge its responsibilities in an international context that requires ever greater efforts.

Mr. Olhaye (Djibouti): My delegation is very appreciative of the thoughtful initiative taken by the French delegation on the important issue of transparency in the work of the Security Council. In fact, it was during his statement before the General Assembly in September this year that the Foreign Minister of France, Mr. Alain Juppé, put forward constructive ideas, subsequently introduced in the Security Council by Ambassador Mérimée of France.

The focus of this initiative, which we fully welcome, is the feeling among many delegations that the working methods of the Council should allow for greater transparency. And it is in the light of the timely and crucial relevance of this matter that members of the Security Council deemed it proper to solicit the views of the wider membership of the United Nations on what must transpire in the functions of a "transparent Council". Today it is the "consumers" who must voice his concerns with the "product" — either with its content or its delivery, or both.

And there can be little doubt that the consumer — that is, the general membership of the United Nations — has invariably voiced concern over transparency in the Security Council. For the Council is correctly perceived as the locus of international efforts not only to forge collective action and restrain hostilities between States, as in the past, but in large measure, as well, to concern itself with the international humanitarian rights of communities and individuals within States. This expanded role of the United Nations system and the Council has become the key to a rational world order, raising

concerns among smaller States and regions and about international priorities other than just the self-interest of a few.

Clearly, the issue of transparency is complex. In one sense, perhaps, that which is least transparent is the meaning to be attached to transparency itself. There may be as many definitions of transparency as there are Members of the United Nations, and we must begin to narrow the concept down sufficiently if we are to give it relevance and usefulness. Recently, for example, the Council received a joint letter from the delegations of New Zealand and Argentina on ways to increase the transparency of peace-keeping operations, particularly for troop-contributing countries. This is certainly a vital area of transparency, as is the suggestion contained in the French initiative for a better balance of public and private meetings and greater participation by other members.

Unfortunately, other Council members will no doubt come forward with additional proposals of their own, which may in the end inadvertently contribute to the erection of an edifice unrecognizable to anyone or that is not at all what we wanted — that is, transparent. We may discover we are merely taking symbolic steps toward an undefined goal — in fact, improvising and innovating in a piecemeal, ad hoc fashion. The concern of my delegation, therefore, is whether this 'building block' approach to constructing or reaching transparency will be sufficient or effective. Will the end product merely constrain us further? Are there unforeseen limitations to transparency we would be well advised to recognize?

It is important as well not to overlook the presumed stature, privacy and uniqueness of the Council. In the effort to achieve transparency, will the Council's independence and privacy be violated or compromised, its "mystique" or "magic" reduced? Significant progress has already been made in opening up procedures and deliberations to non-members — a fact which cannot be overlooked. Some members have been quite effective in expanding the two-way flow of information from the Council to States in their region, and in fact to the wider membership of the United Nations, while also strengthening the consideration by the Council of the feelings, concerns and suggestions of the States in their region and of this wider membership. In this regard, my delegation has worked diligently to maintain this flow and dialogue with a great number of countries. We believe wider and more effective use of this device would contribute considerably to the achievement of transparency, particularly should the Council decide to hold regular "proximity talks" with countries of a specific region on matters before the Council that are of particular interest to them.

Overall, we must reach the wider membership and provide it with the access, input and transparency it requires. The task is to define the exact nature of that transparency, one which is adequate for the needs of the general, regional or designated membership, including troop-contributing countries, while preserving the efficiency, effectiveness, openness and prestige of the Council.

These are weighty matters, and my delegation feels they deserve a concerted and serious effort by the Council to resolve them. With further exploration and examination by the Council's Working Group on documentation and procedure, we can expect the issue to be given much needed clarification, refinement and momentum, taking into consideration the views of the total membership of the Council. In this way we should arrive at a clearer and more comprehensive understanding of transparency and determine what it will mean in practice. The Council has come a long way in penetrating the maze which has surrounded transparency in concept and in practice, and my delegation feels that, if it continues its efforts in a purposeful and organized manner, many benefits will accrue to all.

Mr. Rovensky (Czech Republic): My delegation shares the view expressed by a number of preceding speakers that some of the working methods of the Security Council are outdated and should be revised in order to enhance efficiency and achieve greater transparency in the Council's decision-making process. We are also aware of the fair amount of criticism levelled by Member States at the Security Council's mode of operation, which is viewed as unnecessarily rigid and secretive.

On the other hand, we believe that over the past year the Security Council has responded, at least to some degree, to this criticism and addressed the issue of greater transparency in its activities. The practice of regular briefings by the President of the Security Council to non-Council members on the work of the Council has been introduced. There are regular meetings between troop contributors, members of the Security Council and representatives of the Secretariat.

Although these steps go in the right direction, they are obviously not sufficient. Further effort is needed to

make the routine of the Security Council less rigid, more transparent and, from the point of view of many non-Council members, more democratic.

My delegation therefore welcomes the *aide-mémoire* prepared by the delegation of France, which contains several interesting proposals for increasing transparency in the work of the Security Council. As a non-permanent member of the Council, we wholeheartedly welcome the prospect of appropriate provisions of the Charter and the provisional rules of procedure of the Security Council being used to the full extent to facilitate broader exchanges of views between Council members and non-Council members on important issues of international peace and security. In this context, we view most of the suggestions put forward by the French delegation as useful and worthy of consideration.

At the same time, we believe that it is imperative that the right balance be struck between the legitimate goal of greater transparency, on the one hand, and the equally important principle of efficiency and effectiveness, on the other. The Security Council's efficiency and effectiveness should, if anything, be improved by the envisaged changes.

My delegation is therefore of the view that formal meetings of the Security Council with the participation of non-Council members should be convened primarily to debate key issues, such as emergency situations threatening international peace and security or important decisions concerning peace-keeping operations. In this connection, we agree with the statement in the French proposal where it states that there is no question of establishing automaticity in the convening of these meetings.

The well-established practice of informal consultations, criticized though it is by some non-Council members, has proved its usefulness and, in the view of my delegation, should be preserved in its present form.

Finally, let me express my delegation's conviction that the views and recommendations which will emerge from today's deliberations will contribute greatly towards finding the right approaches and mechanisms for enhancing effectiveness and transparency in the work of the Security Council. This would in turn, without any doubt, boost the prestige of the Security Council in the eyes of the broad membership of the United Nations.

Mr. Hume (United States of America): The United States welcomes the proposal to explore opportunities to make greater use of public meetings of the Security Council, including meetings at which non-members offer views on matters under consideration. This idea is a further important step in the Security Council's efforts to reform its working methods and procedures in order to make them more transparent, and to broaden and regularize opportunities for non-members to contribute to its work. The proposal before us builds on many innovations in Council procedure introduced over the last 18 months, including, most recently, consultations between troop contributors, Council members and the Secretariat on changes in peace-keeping mandates and the now-weekly briefings of non-members on Council business.

At the same time, the United States delegation recalls that it is important for the Council to proceed cautiously when it decides how to structure its consideration of each matter before it. In particular, the form of Council deliberations should not compromise their function, which remains to achieve agreement in an expeditious manner on matters before it. With this proviso, we look forward to pursuing opportunities, on a case-by-case basis, to employ public meetings in the Council's consideration of its work.

Mr. Fulci (Italy): Since this is the first time I am addressing the Security Council under your presidency, Sir, I wish first of all to express my country's great and sincere appreciation for your balance and wisdom as you guide the Council's work during the month of December.

We read with interest the French *aide-mémoire* on the Security Council's working methods. As members know, my country has tried to play an active role in the current debate in the Open-Ended Working Group on the reform of the Council. In that context, we have repeatedly underlined the special importance we attach to "other matters" pertaining to the reform of the Council, aside from the question of its enlargement.

For this reason, we welcome this contribution from one of the permanent members, France, and the recognition implied in it of the need to lend greater transparency to the Council's work. We totally agree that vigour must be restored to rule 48 of the Council's provisional rules of procedure, which provides that:

> "Unless it decides otherwise, the Security Council shall meet in public."

This rule has fallen into disuse. Instead, closed-door informal consultations with no records have been

preferred. Now it seems to us that the time has come to reaffirm rule 48 and to re-establish the proper relationship between the rule — public meetings — and the exception — informal consultations.

We therefore hope that the Security Council will give concrete follow-up to the French proposals by holding more frequent public meetings. Currently there is only one case in which the Security Council must meet in public: the almost liturgical meetings for the adoption of resolutions or presidential statements. To this the French *aide-mémoire* would add two new cases: orientation debates, open to all Member States, on new questions coming up for the Council's consideration; and public exchanges of views between members of the Council on specific issues.

In our view, the first formula is of special interest. For example, it would allow countries capable of and willing to contribute troops to a peace-keeping operation to participate directly in the Council's initial debates on that operation, including the definition of the mandate that their troops would be called upon to fulfil. Italy is very sensitive to this issue, especially after our difficult experience in Somalia. That is why we warmly welcomed the recent initiatives of Argentina and New Zealand regarding this form of participation.

While, as I have said, we share and support the substance of France's proposals, we would not want them to be used as an alternative to or a substitute for more regular, systematic and comprehensive information on the Council's informal consultations. During the debate in the Working Group on reform, we have often brought up the need for such information.

If, on the one hand, we agree with the usefulness — and perhaps the inevitability, given the often crucial role of confidentiality — of informal consultations within the Council to develop its orientations and decisions, we want, on the other hand, to re-emphasize the necessity of prompt, constant and detailed briefings, possibly by the President of the Security Council or a member of the presidential delegation, for the sake of greater transparency. The President could possibly, if judged necessary, be assisted by representatives of the prior and succeeding Presidents, according to the "troika" formula that has become a time-honoured practice in the European Union and more recently in the Conference on Security and Cooperation in Europe (CSCE). In fact, our capitals have every right to expect speedy and reliable information on the Council's orientations towards the main problems within its competence and on every phase of the debate, even debates that will probably continue to take place through informal consultations. Needless to say, this demand is not met by the fragmentary information now dispensed, which is left entirely up to the good will of individual colleagues from countries sitting on the Council — to whom, of course, we are nevertheless most grateful. Without their help we would often have been left completely in the dark about what was happening in the adjoining consultations room.

That is the reason why, in our view,

> "disseminating of the content of the discussion in informal meetings" (*S/1994/1279, annex, para. 9*),

to use the very words of the French document, is an essential requirement for true transparency and for genuine reform of the Council's working methods.

The President (*interpretation from French*): I thank the representative of Italy for the kind words he addressed to me.

The next speaker is the representative of Denmark. I invite him to take a place at the Council table and to make his statement.

Mr. Haakonsen (Denmark): I have the honour to speak on behalf of the Nordic countries: Finland, Iceland, Norway, Sweden and Denmark.

The Nordic countries welcome the proposals presented by France concerning the working methods of the Security Council, which appear in document S/1994/1279 of 11 November 1994. We also welcome the initiative to make the French proposals the object of a Security Council meeting in which non-members of the Council too have been given an opportunity to express their views.

The French proposals and the convening of this meeting are evidence of a growing awareness of the need to achieve greater transparency in the work of the Security Council. As pointed out in the French *aide-mémoire*, greater transparency in the work of the Security Council can be achieved in two ways: either by giving non-members of the Council greater access to information concerning the informal consultations undertaken within the Council or by more frequent public meetings of the Council. The Nordic countries consider that both approaches should be followed.

With regard to information on informal consultations, we appreciate the steps already taken. We welcome the newly established practice whereby the President of the Council regularly holds information meetings for non-members. We realize that these meetings must have their limits, but we think that they could be further developed. We wish to stress that it is up to the non-members to take full advantage of this new opportunity of getting access to information on the informal consultations by encouraging an enhanced dialogue through active participation in the briefings.

With regard to the question of holding more public meetings of the Security Council, the Nordic countries concur with the view that not much would be achieved by simply having more meetings of the kind we know today. The public meetings need to be organized in a different manner. In the French *aide-mémoire* two new types of meetings are proposed: orientation debates, open to all States Members of the United Nations; and public exchanges of views between members of the Security Council.

The Nordic countries would like to express their preference for meetings of the first type — the orientation debates. It is suggested in the *aide-mémoire* that the Council, in taking up a new question or beginning its consideration of an important matter, should call on non-members, at their request, for the purpose of hearing their views on the subject and discussing with them possible courses of action. The Nordic countries would welcome such orientation debates. However, we are of the view that they should take place not just at the beginning of the Council's consideration of an item. Debates in which non-members participated could also serve a useful purpose at later stages in the Council's deliberations.

We are somewhat concerned, however, that in the formal setting of the Security Council such orientation debates could turn out to be rather formal affairs. It is important, therefore, that there should be a genuine dialogue, and not just the reading of prepared statements. If implemented in this manner, the French proposal could provide us with a useful tool.

The Nordic countries also look forward to the possibility of the Council's holding public meetings for exchanges of views between Council members on matters that lend themselves to this approach.

When discussing the proposals under consideration we must, of course, recognize the need to ensure that the work load of the Security Council — and, for that matter, of the non-members — is not increased unnecessarily. The French paper states that we must strike the right balance between the requirements of publicity and those of efficiency. The Nordic countries agree with that. I wish merely to add that openness and efficiency are not necessarily poles apart.

Finally, I want to underline that the Nordic countries see the French proposals as supplementary to, and not as substitutes for, the arrangements for consultations between troop-contributing countries, members of the Security Council and the Secretariat, in accordance with the modalities set out in the presidential statement of 4 November 1994. The representative of France has just confirmed this understanding.

An enhanced dialogue on peace-keeping operations would, in our view, improve the efficiency of the operations. The consultations with troop-contributors should be structured, should be focused on areas of particular concern and should take place on a regular basis, as well as when extensions and/or modifications of existing mandates are being considered. Whenever possible, the Security Council should also consult with potential troop-contributors before taking a decision to launch a new peace-keeping operation.

The President *(interpretation from French)*: The next speaker is the representative of Turkey. I invite him to take a place at the Council table and to make his statement.

Mr. Batu (Turkey): It gives me great pleasure to congratulate you, Sir, on your assumption of the presidency of the Security Council for the month of December. I am confident that under your able guidance the Council will carry out its responsibilities successfully. I should like also to pay tribute to Ambassador Albright of the United States of America for the remarkable manner in which she conducted the work of the Council in November.

The ending of the cold war freed the Security Council from political constraints and enabled it to assume a vastly expanded role. The work load of the Council has increased tremendously. However, there is a new challenge ahead of us: we must make the Council more transparent, accountable and democratic. This, in turn, will necessitate genuine reform, including changes in the composition of the Council and in its working methods and procedures to reflect the spirit of

democratization. With these thoughts in mind, we have been actively participating in the deliberations of the Open-Ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council.

At meetings of the General Assembly and of the open-ended Working Group we have repeatedly expressed our views regarding transparency in and democratization of the Council's decision-making process. In the open-ended Working Group's next round of deliberations we shall continue to dwell in detail on this issue.

It is against this background that we welcome the initiative of France, which is set out in the Document S/1994/1279. We support its main thrust. Indeed, it is the common desire of the vast majority of Member States that the Council should hold more public debates and meetings.

Under Article 25 of Charter, the Member States agree to accept and carry out the decisions of the Security Council. This makes the Council unique within the United Nations system. The authority of Security Council decisions emanates from the fact that the Council, in accordance with Article 24 of the Charter, acts on behalf of all Members of the United Nations. For that reason it is essential that Council decisions be in accord with the views of the general membership.

The fact that Council resolutions must have an adequate consensual base is also inherent in the letter and spirit of paragraph 4 of Article 1 of the Charter, which lists "harmonizing the actions of nations" as one of the purposes of the United Nations. Therefore, a credible and workable mechanism for dialogue between the Council and the general membership should be devised. This would enable the general membership to participate, where and if necessary, in the Council's decision-making process.

To this effect, we support the proposal contained in subparagraph (a) of the paragraph 3 of the *aide-mémoire* concerning the holding of

> "Orientation debates open to all members of the Organization". *(S/1994/1279, annex, para. 3)*

We believe that such meetings should be held not just when the Council is preparing to begin consideration of an important question but also before it takes action on that question. Thus, the decision would more adequately reflect the will of the general membership.

Half a century after their adoption, the Security Council's rules of procedure are still provisional. The Council's current working methods rely heavily on the vague formulation set out in rule 48 of this still-provisional text. I refer to the phrase "unless it decides otherwise". These four words have become the Council's real rules of procedure. The closed, informal consultations established on the basis of these words should be reviewed and, if necessary, defined properly.

Given the growing number of actions taken under Chapter VII of the Charter, the absence of efficient consultation mechanisms and the secrecy in the Council's decision-making are causing great concern among the general membership.

In this context, I should like to refer especially to the imposition and review of economic sanctions. As all Member States must comply with sanctions imposed by the United Nations, the decision-making and review processes thereon must be totally transparent. If they are to be effective, sanctions regimes must have the full cooperation of Member States. The successful implementation of sanctions can be ensured only through great sacrifice on the part of the countries that are most affected. It is therefore difficult to understand why existing sanction regimes are reviewed in closed, informal consultations.

At this point, I should like to make a concrete proposal. We request that the Council consider reviewing existing sanction regimes in public meetings with open debate. In this vein, it is Turkey's considered opinion that the sanctions committees should also conduct its deliberations in public meetings. We strongly believe that openness in the activities of the Council with respect to sanctions would make the system more just and fair, thus strengthening international support for economic sanctions imposed by the United Nations.

On the other hand, the current practice shows that a great many Council actions are based on the information provided orally by the Secretariat during closed informal consultations. In order to enable the general membership to better conceive of the motives of the action in question, these oral briefings should be circulated in written form.

The paramount urgency of reviewing the transparency of the working methods of the Security Council is best summed up at the conclusion of the French *aide-mémoire*. It says,

> "It will thus strengthen the link of confidence which ought to bind it to those on behalf of whom it is supposed to act." (*S/1994/1279, para. 19*)

Indeed, acting on behalf of the general membership, the Security Council has the primary responsibility for maintaining the confidence of the Members and maintaining the Council's accountability in their eyes as regards its decision-making process. This would no doubt enhance the moral authority of the Council and contribute to its effectiveness in terms of genuine support for the implementation of its decisions.

The President (*interpretation from French*): I thank the representative of Turkey for the kind words he addressed to me.

The next speaker is the representative of Austria. I invite him to take a place at the Council table and to make his statement.

Mr. Sucharipa (Austria) (*interpretation from French*): Allow me first of all to congratulate you, Sir, on the effectiveness you have shown in your conduct of the affairs of the Security Council as its President for the month of December.

By the presidential statement issued last 4 November, the Security Council decided to enhance the possibilities of communication between the Council and troop-contributing countries. Although that decision embraced the original proposals only in a limited fashion, my delegation appreciated it and will follow very closely its implementation in practice.

Today we welcome the initiative taken by the Minister for Foreign Affairs of the French Republic, which is reflected in the *aide-mémoire* presented by the Permanent Representative of France to the Security Council on 11 November. We consider it, along with the other relevant initiatives taken last week, a serious attempt to adapt the working methods of the Security Council to the democratic requirements of the Organization. We appreciate today's open debate on the possible structure of future debates. In philosophical terms, I think that today we are engaged in a "meta-debate".

Maintaining international peace and security and, to that end, taking effective collective action are among the main objectives, if not the main objective, of the United Nations. The authors of the Charter conferred the principal responsibility for this task on the Security Council in order to ensure swift and effective action.

On the other hand, it was certainly not the intention of the authors of the Charter to exclude the Members of the Organization totally from the elaboration of positions on questions of fundamental political importance while obliging them to implement decisions taken by the Security Council. Articles 31 and 32 suggest, rather, the contrary. It is therefore imperative to find a balance between the need for swift and effective decision-making and the need to give all Member States concerned the opportunity to make themselves heard at an appropriate time, thus ensuring that their opinions are taken into account by the Security Council when decisions are formulated and taken.

In this context, the French proposal deserves serious examination. With Cartesian logic it discusses the dilemma inherent in most attempts to improve the interaction between the Council and the States non-members of the Council.

The French *aide-mémoire* proposes

> "Orientation debates open to all Members of the Organization at a time when the Council is preparing to begin consideration of an important question". (*A/1994/1279, para. 3 (a)*).

In our view, the key elements of this carefully drafted proposal consist of the "debate", which encompasses exchanges of views, and the organization of the debates at the beginning of the Council's consideration of an important question.

Addressing the General Assembly at its forty-ninth session, the Minister for Foreign Affairs of the French Republic declared that France was in favour of the Council's holding formal meetings to listen to the Members of the Organization and to engage in dialogue with them, without renouncing the formula of informal consultations. "Engage in dialogue" clearly implies interaction, which requires responsibility and self-restraint on the part of the States non-members of the Council. In order to guarantee a viable procedure, active participation must therefore be limited to delegations that have a specific interest in a given subject.

We hope that the open debates will be considered a useful exercise, not an additional burden on the Council in the performance of its tasks. Indeed, the proposal in

paragraph 3 (a) of the French *aide-mémoire* could contribute to more efficient decision-making by the Security Council and could also contribute to increasing the political will of Governments to implement decisions of the Council.

Furthermore, we consider the proposal in paragraph 3 (b) another element aimed at enhancing the transparency of the Security Council. Again, the appropriate balance must be found between public exchanges of views and the necessary negotiations behind closed doors.

In conclusion, I would like to stress that the French initiative must also, to a certain extent, be considered a result of the proposals and debates in the framework of the General Assembly's Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council. We await with interest the forthcoming meetings of that Working Group, which, we hope, will provide in particular a better understanding of how the working methods of the Security Council can be improved.

The President (*interpretation from French*): I thank the representative of Austria for the kind words he addressed to me.

The next speaker is the representative of Indonesia. I invite him to take a place at the Council table and to make his statement.

Mr. Wibisono (Indonesia): I should like first to take this opportunity to congratulate you, Sir, on your assumption of the presidency of the Security Council for the month of December.

It is a distinct honour and privilege for me to make this statement on behalf of the non-aligned countries on an issue to which the Non-Aligned Movement attaches great importance, namely, the Security Council's working methods and procedure.

The Non-Aligned Movement has repeatedly called for a reform of the Security Council in terms of both its composition and its working methods. In this context, we welcome the initiative by France, a permanent member of the Security Council, which responds to the demand for greater transparency and democratization as well as for greater participation in the decision-making process in the Council's work by recourse to public debates, which have fallen into disuse in recent years. In fact, the Cairo Ministerial Conference of the Non-Aligned Movement specifically called for an increased number of both formal and open meetings prior to the adoption of decisions, thereby allowing for the widest participation of States in the work of the Council. We hope that this is the beginning of a more meaningful dialogue between members of the Council and non-members. This debate today has necessarily to be part of the consideration of the wider issue of reform of the Security Council, which the Non-Aligned Movement has espoused.

The proposal under consideration, namely, reliance on public debate in reaching decisions in the Security Council, is particularly important since, pursuant to Article 24, paragraph 1, of the Charter, the Council acts on behalf of the entire membership and is thus accountable to it. The spirit of transparency and the need for democratic functioning demand not just public meetings of the Council or striking the right balance between the requirements of publicity and efficiency, but effective consultations with the general membership before decisions are taken that are binding on the entire membership. The decision-making should refer to the totality of the Council's functioning, and consultations must become a regular feature. The exact modality of such consultations may need to be flexible so that the Council's ability to take speedy decisions, when so warranted, is not in any way impaired.

The orientation debate proposed by France, allowing wide participation by States Members of the Organization in order to express their views on a subject as well as to discuss possible courses of action, would suggest that the articulation of the common interest of the Members of the Organization as a whole would be feasible. However, the proposal follows a number of measures that have been adopted by the Security Council on the initiative of its members. The listing of the agenda of informal consultations in the *Journal*, the circulation of monthly forecasts of the work of the Council, the briefings by the President for the general membership and efforts towards consultations between the members of the Council, troop-contributing countries and the Secretariat have indeed all contributed towards a greater involvement of the general membership in the work of the Council. Those measures are in line with the aspirations of Member States, including the non-aligned countries. We would suggest, however, that these measures be institutionalized and not left to the inclinations and preferences of individuals. The non-aligned countries would also like to underscore the need to make Article 50 of the Charter operational. In this regard, it is necessary to institutionalize the consultations envisaged in that Article as well as to adopt

other effective measures to enable non-members that have the right to do so to consult the Security Council with regard to a solution of those problems.

Furthermore, as called for in the communiqué of the Cairo Ministerial Conference of the Non-Aligned Movement, the Security Council should take appropriate measures to allow for the participation of interested non-members in any mechanism, such as ad-hoc subsidiary bodies the Council might set up to assist it in dealing with specific matters under its consideration.

The French proposal, along with a number of other measures already adopted, represents a step forward in the process of the comprehensive reform of the Security Council. But the competent body which should deal with the whole question of the reform of the Council in an integrated manner is the General Assembly itself. Partial measures, however laudable, cannot be a substitute for the reform initiated by the General Assembly. An open-ended Working Group of the General Assembly is holding discussions on the entire package relating to equitable representation on and increase in the membership of the Security Council. That Group has already reported that there is a convergence of views on the idea that the membership of the Council should be enlarged and that the scope and nature of such enlargement should be discussed further. As regards working methods and procedures, the Working Group has recognized that further measures are necessary to enhance transparency and to reflect the democratic aspirations of the vast majority of Member States.

The Non-Aligned Movement is at present engaged in framing proposals that would lead to a constructive relationship between the General Assembly and the Security Council. Among these are the proposal that the annual report of the Security Council to the General Assembly should be much more informative and analytical and that special reports to the Assembly should be provided, as foreseen by the Charter, on issues of critical political importance. This would allow the General Assembly, in its capacity as the only universal body of the United Nations, to consider issues contained in the report and to provide the necessary recommendations to the Council.

By the same token, the provisions contained in Article 12 of the Charter should be made more liberal. In this connection, the authority and credibility of the Council would obviously profit from ascertaining that there is a broad consensus of the general membership of the United Nations, as represented in the General Assembly, on a particular course of action proposed by the Council.

On the other hand, the practice of holding consultations between the Presidents of the Security Council and the General Assembly or their representatives should be institutionalized, thereby allowing for a more effective flow of information between these two principal organs. In addition, the President of the Council could conduct briefings for the Assembly on issues of an urgent political nature, either concurrently with a corresponding special report by the Council or in lieu of one.

The problem with decisions' being taken in informal consultations of the whole will remain even if this important French initiative is adopted. Hence, a number of measures could be taken to resolve this problem, such as, for example, the establishment of structured and institutionalized briefings by the President of the Security Council, or his or her representative, on the results of informal consultations, and the publishing of highlights of the main contents of those consultations. The briefings that are now occasionally held, even if they constitute a step forward, are generally sketchy and provide little or no information other than that appearing in the official documents of the Council. These proposals would be presented to the Working Group for its consideration.

While welcoming the French and other efforts which are in the right direction, I should like to conclude by expressing the hope of the Non-Aligned Movement that its more far-reaching proposals for reform will be given full consideration by the entire membership of the United Nations in the open-ended Working Group.

The President (*interpretation from French*): I thank the representative of Indonesia for the kind words he addressed to me.

I should like to inform the Council that I have just received a letter from the representative of Bosnia and Herzegovina in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Omar Sacirbey (Bosnia and Herzegovina) took the place reserved for him at the side of the Council Chamber.

The President (*interpretation from French*): The next speaker is the representative of Canada. I invite him to take a place at the Council table and to make his statement.

Mr. Karsgaard (Canada) (*interpretation from French*): I wish at the outset to congratulate you, Sir, on your assumption of the presidency of the Council for December. I also wish to thank your predecessor, the Permanent Representative of the United States, who presided over the Council last month and has once again taken useful steps to increase the transparency of the Council's work.

My Government welcomes France's initiative aimed at encouraging the Security Council to make greater use of public debate in its decision-making process. We wish to express our support for the procedures proposed in France's *aide-mémoire*. This is a step in the right direction. This initiative falls squarely within the context of many reforms which the Security Council has recently brought to its working methods, in terms both of transparency and of increased consultations with States non-members of the Council. Moreover, the presidential statement of 4 November on consultations with troop-contributing countries, which was rapidly implemented, has already proved to be extremely useful.

(*Spoke in English*)

My delegation has always recognized the need for informal consultations to ensure prompt and effective action by the Security Council. And this requirement clearly continues to apply. But we share the view expressed by France and many others that there often seems to be little justification for not airing publicly the positions of Council members on a given issue. Member States will provide more active support for the Council's decisions if they are better informed of the reasons leading to such decisions. Unnecessary secrecy could, over time, risk eroding the support of the general membership for the Council's actions.

We would also welcome greater opportunity for interested Member States to address the Council on issues of relevance to them, in particular at the outset of the consideration of such issues. We hope that this can be managed without adding unduly to the Council's already charged agenda. There is always, of course, the risk of the Council's being faced with an endless list of speakers each time there is an open debate. We are confident, however, that Member States will limit themselves to speaking on issues of direct concern to them and that the practice of a State speaking on behalf of other States will develop further.

We strongly believe that the implementation of the French proposal will have a significant and positive impact. The ability of Member States to promote their own views and to analyse the rationale of Council decisions will enhance the credibility of those decisions. More open proceedings will also increase the general public's understanding of a vital part of the work of our Organization.

The President (*interpretation from French*): I thank the representative of Canada for his kind words addressed to me.

The next speaker is the representative of the Islamic Republic of Iran. I invite him to take a place at the Council table and to make his statement.

Mr. Kharrazi (Islamic Republic of Iran): Let me first congratulate you, Sir, on your assumption of the presidency of the Security Council for the month of December.

My delegation is pleased to note the proposal made by the representative of France aimed at increasing the role of the general membership of the Organization in the Security Council's decision-making process. This is a welcome beginning to rethinking the legitimacy and wisdom of a practice that was established by the Security Council so that it might rely on secrecy as much as it could get away with. This secrecy has been aimed not only at the general membership but also at parties directly involved in an issue which the Council was debating behind closed doors. Assuming for the sake of argument that the former may sometimes be necessary for practical purposes, my delegation fails to see any rational justification for the latter.

My delegation has experienced first-hand the absolute frustration that accompanies the Security Council's secretive practice of deliberating an issue in which my country was directly involved. Contrary to the proposition that attempts to justify Security Council secrecy under the guise of efficiency, our own experience, which is now public knowledge, points only to the expediency and political considerations of a few

members of the Council. In our view, secrecy breeds suspicion and erodes the confidence of the general membership — the very two courses which the Security Council should avoid if it seeks to uphold its authority and refrain from high-handed practices.

Various proposals have been made to remedy the practices of the Security Council. The reforms that have so far been implemented — such as announcing informal meetings in the *Journal* or a few briefings by the President of the Security Council or his or her representative, particularly as this has been carried out to date — are merely cosmetic.

The French delegation has proposed two formulas to strike a better balance between official meetings and informal consultations. Firstly, it proposes holding formal meetings of the Council when the Council seeks to begin its consideration of an important question, in order to allow Members of the Organization to engage in what it calls orientation debates. The second formula, if we have understood it correctly, is based on a constitutional issue: the rule requiring meetings to be held publicly and that informal meetings be exceptions which require an overriding justification. Of course, in its paragraph 16, the French document (S/1994/1279) elaborates this principle in a restrictive fashion. In this connection, I wish to underline rule 48 of the Security Council's provisional rules of procedure, which reads as follows:

> "Unless it decides otherwise, the Security Council shall meet in public".

We hope that these proposals are not seen as all-inclusive. In addition to the proposals, which need to be elaborated and made operational, there are others that should be considered in conjunction with them, if we are to remedy the problem. Some of the ideas to be considered by the Security Council are that: first, the Council should hold open formal meetings unless, in exceptional circumstances, informal meetings are justified; secondly, the Council should consider inviting parties to a conflict to the informal consultation of the whole on the question, as discussed in the Security Council; thirdly, the Council should circulate the written summary of the main contents of its informal consultations to the general membership; fourthly, the Security Council should consider establishing regular, structured, and substantive briefings for the general membership, on the results of its informal consultations; and, fifthly, an effective mechanism could be established for informing non-members of the Council of an emergency and/or weekend meeting of the Council.

If the Security Council adopts a restrictive approach to the important question of transparency and limits itself merely to consideration of the welcome proposals made by France, then to say that the Security Council was ready to "come to its maturity" would be unwarranted flattery — "early adolescence", maybe!

The President (*interpretation from French*): I thank the representative of the Islamic Republic of Iran for the kind words he addressed to me.

The next speaker is the representative of Japan. I invite him to take a place at the Council table and to make his statement.

Mr. Owada (Japan): At the outset, I should like, Sir, to extend my congratulations on your assumption of the presidency for the month of December. My congratulations also go to Ambassador Albright, who guided the work of the Council so efficiently as its President for the month of November.

Japan welcomes the initiative of the Council to convene this meeting to discuss the Security Council's working methods and procedures.

With the end of the cold war, the role and the responsibility of the Security Council with regard to maintaining international peace and security has increased dramatically. The Council has come to devote an enormous amount of time to deliberations on issues relating to this field and has adopted many resolutions thereon. In particular, the numerous peace-keeping operations it has established in recent years are eloquent testimony to the central importance that the Council attaches to the field of peace and security. My delegation believes that the new emphasis on the role of the Security Council is in itself a welcome development, to the extent that it is a reflection of the new reality of the world in which the United Nations, and in particular its Security Council, should be a central organ in the maintenance of international order.

As the role of the Council has grown, however, the need to reform its composition and to improve its working methods and procedures has become increasingly important. In this context, Japan notes with keen interest that intensive discussions have been taking place in a number of forums on the question of Security Council reform. Japan has itself been an active participant in these discussions.

With respect to working methods and procedures, Japan has been cooperating with other like-minded countries in making a number of proposals with a view to enhancing the transparency of the Council and to fostering dialogue between the Council and non-members of the Council, and between the Council and the General Assembly.

From this viewpoint, Japan notes with appreciation that a number of important steps have recently been taken to improve the functioning and transparency of the Security Council. For instance, last year the Council decided to make a tentative forecast of the monthly programme of its work available to all United Nations Member States. As a member of the Council at that time, Japan strongly supported this decision. The Council has also decided to include the agenda of each informal meeting in the *Journal* and to make the text of draft resolutions in their provisional form available to non-members of the Council. In addition, the President has recently taken steps to hold periodic briefings for non-members of the Council to give them the gist of the informal meetings that have taken place. With regard to peace-keeping operations, the Council has also decided to hold meetings between the Council members, troop-contributing countries and the Secretariat in order to establish a consultation mechanism between the three. Japan values these endeavours as an effort to help facilitate a two-way flow of information between members and non-members of the Council.

It is in this spirit that my country welcomes the initiative taken by France to increase the number of formal meetings on certain issues in order to enhance transparency in the work of the Council and to facilitate interaction between the Council and the Member States at large. It is Japan's considered view that informal consultations are extremely important — I would say even essential — if the Council is to function efficiently as a body for genuine consultation and negotiation in a position to arrive at a decision which can be truly effective in coping with a crisis situation. At the same time, however, the official meetings of the Security Council should not be regarded as simply a perfunctory forum for rubber-stamping a decision that has been worked out informally. The visibility of the Security Council in the public eye as the executive organ of the international community taking worthwhile decisions with determination, effectiveness and wisdom is crucial to ensuring the legitimacy and credibility of the Council.

In the view of Japan, an improvement in the working methods and functioning of the Security Council, together with a reform of its membership, should constitute the basis of an overall reform to enhance the legitimacy and credibility of this crucial organ of the United Nations. Japan strongly hopes that consideration of the working methods and functioning of the Security Council, taking into account the French proposal, will be vigorously pursued by the membership of the Security Council and by the Open-ended Working Group on the reform of the Security Council. I am confident that an improvement in this respect, to be achieved in a timely manner, will contribute greatly to the enhancement of the effectiveness of the Security Council and of the Organization.

The President (*interpretation from French*): I thank the representative of Japan for the kind words he addressed to me.

The next speaker is the representative of Poland. I invite him to take a place at the Council table and to make his statement.

Mr. Wlosowicz (Poland): I should like to begin my brief statement by congratulating you, Sir, on your assumption of the presidency of the Security Council for the month of December. May I also express our thanks and respect to your predecessor, Ambassador Madeleine Albright, for her achievements as President of the Council for the month of November.

The Polish delegation welcomes the Security Council's willingness to keep the issue of the transparency of its work under consideration. With the framework for the consultations on peace-keeping operations having been recently agreed upon, today's debate represents yet another reaction to the views expressed by Member States concerning the working methods and procedures of the Security Council.

It is significant that the Council itself has been actively searching for ways to allow non-members a greater involvement in the decision-making process. Since we are only at the beginning of this path, this approach is encouraging. It will also enhance a favourable climate for the Open-ended Working Group on the Question of Equitable Representation On and Increase in the Membership of the Security Council, which is about to resume its work.

The Polish delegation fully supports the initiative of the Minister for Foreign Affairs of the French Republic, Mr. Alain Juppé, to increase the role of the general membership in the Security Council's debates. In today's world, which is becoming more and more complex, the

Council might find it difficult to cope with its workload without resorting, should the need arise, to other countries' experience and views.

An "orientation debate", as proposed by the French delegation, seems to be both an appropriate forum for non-members to be heard as well as an instrument to provide the Council members with information they may need. It would also allow all participants in the debate better to understand the respective positions and constraints they have to reckon with. In our view, an "orientation debate" should be a two-way street, equally important for members of the Council and the rest of the United Nations membership.

The second idea put forward by the French delegation also draws appropriate conclusions from what the Member States have been stating for a considerable period of time. We welcome the possibility of replacing some of the informal meetings with a public debate of the Security Council. The next step might be recourse by the Council to the views of the general membership at this stage.

We understand very well and share the aspirations of the members of the international community to participate fully in United Nations activities. The Polish delegation has been supporting the initiatives aimed at devising and implementing relevant changes in the Organization. Therefore, we reiterate our support for the French proposals as formulated in document S/1994/1279 and confirm the Polish delegation's readiness to take part in further discussions on the issue of the transparency of the work of the Security Council.

The President (*interpretation from French*): I thank the representative of Poland for the kind words he addressed to me.

The next speaker is the representative of Australia. I invite him to take a place at the Council table and to make his statement.

Mr. Rowe (Australia): I wish to congratulate you, Sir, on your assumption of the presidency of the Council for the month of December.

Australia welcomes the convening of this meeting of the Security Council and the initiative taken by the Permanent Representative of France in submitting proposals for the convening of public meetings.

The convening of this meeting is evidence in itself that public meetings of the Council, in which Member States of this Organization can contribute their views, can and should be held in order to enable discussion and reflection by the Council and Member States on matters important to us all — particularly on matters concerning the maintenance of international peace and security.

We endorse the objectives of the proposal contained in the letter dated 9 November 1994 from the Permanent Representative of France to the Secretary-General (S/1994/1279). We welcome the recognition contained in that letter that increased reliance by the Council on public debate will enhance the Council's decision-making in formulating responses in connection with the maintenance of international peace and security. Convening public meetings of the Council is a step in the right direction in achieving this objective although we, like others who have spoken, fully recognize that more will need to be done to address the necessary reforms.

In recent years growing concern has been expressed about the need to improve the working methods and practices of the Council. This concern has been reflected in the consistent calls for improved means of communication and consultation between the Council and the overall membership of the United Nations.

We have been pleased to see that there have been instances where the Security Council has listened to the Member States and has sought itself to respond to calls for change. The procedure of convening meetings of troop-contributing countries, members of the Security Council and the Secretariat is the most recent positive example of this, and one which we welcomed in a statement to the Council.

The importance of public meetings of the Council has long been recognized under the provisional rules of procedure. With the unprecedented number of complex situations to which the Council is being called upon to respond, and the increasing frequency of its deliberations, we now find ourselves in times in which these procedures will be most valuable.

In our view, it is important that public meetings should be so structured as to provide a genuine basis for a two-way exchange between the Council and the Member States. Consideration by the Council of the perspectives of Member States, particularly those most affected by a situation, is a *sine qua non* for the deliberations of the Council.

Public meetings should not be used as a stale, uninformative, formalistic procedure devoid of real discussion. We do not see the public meetings as being merely another occasion for the delivery of set-piece statements by Member States or by members of the Council. The spirit of the Charter and the provisional rules of procedure envisage genuine discussion and a two-way flow, not just of views but of analysis, particularly in respect of States most affected by the decisions to be taken by the Council. In this spirit there will need to be greater degree of participation in the discussions and decisions of the Council by such States, be they troop contributors, States in the region of the conflict, or others.

In this context, it is important to remember that, according to Article 24 of the Charter, the Security Council acts on behalf of Member States. It makes sense, then, for the Council to be responsive to the views of Member States. Article 24 implies a two- way flow of information. More information should flow out of the Council to the wider membership on all aspects of its work. But there must also be a flow into the Council from the whole community it serves. Its role as an effective representative body demands at least this.

Therefore, while we welcome this initiative as a significant contribution to improving the working methods of the Council, we emphasize the importance we attach to continuing to address this question on an ongoing basis. For example, in addition to the public meetings identified in the French proposal, we may need to explore other, more flexible means for securing discussion and a level of participation of Member States especially affected by a situation under consideration by the Council, as envisaged under Article 31 of the Charter. Further, convening the kinds of public meetings enumerated in the French proposal cannot be a substitute for the continuing improvements in the consultations that are necessary between the Council and troop-contributing countries.

The calls for increased transparency are symptomatic of a deeper problem: the need to ensure that the Council has the full confidence, or, as the Permanent Representative of France described it, the full trust of the membership that it represents. This deeper concern is one that cannot be satisfactorily addressed just by increasing the number of public hearings. It can be addressed by ensuring that the expansion of the Council and its future composition reflects decision-making that is truly representative of the perspectives and interests of Member States.

Accordingly, we attach importance to continuing consideration of further reforms to the Council and to the Organization in order to ensure that the Council is more responsive, rather than reactive; that it develops the culture and methodology for identifying and responding to situations that have the potential to threaten international peace and security, before there is war or genocide or mass devastation — in short, means by which this Organization can develop a preventive capacity that draws the Council's attention to emerging global crises and threats, military and non-military.

The efforts of the Security Council and in particular of the French Government in taking this initiative deserve our appreciation. This has been a valuable debate and one which we see as contributing significantly to the increased effectiveness of the Organization.

The President (*interpretation from French*): I thank the representative of Australia for the kind words he addressed to me.

The next speaker is the representative of Bosnia and Herzegovina. I invite him to take a place at the Council table and to make his statement.

Mr. Omar Sacirbey (Bosnia and Herzegovina): I should like to begin by associating my delegation with the congratulations that have been extended to you, Mr. President. We are certainly of the view that they are more than deserved.

The question of the working methods and procedures of the Security Council has affected, and still does directly affect, the situation in the Republic of Bosnia and Herzegovina. The Security Council has spent much time and energy, for which my delegation is thankful, on the situation in the Republic of Bosnia and Herzegovina. Consequently, my delegation has had a firsthand view of the shortcomings of the Council with respect to its working methods. From our perspective, the most notable of the shortcomings have been in the transparency, or lack thereof, of the deliberations, and the manner in which the Security Council keeps itself informed.

Transparency is the attribute whereby the Security Council is to keep the general membership informed, and whereby the Council is to meet one of the objectives of the Charter: "harmonizing the actions of nations". The absence of formal mechanisms to facilitate transparency means that transparency must be undertaken at an

informal and practically voluntary level. This transparency has not been forthcoming enough, and resolutions of the Council have not had the full benefit of the opinions and expertise of the interested Member States outside of the Council. This absence of non-Council input only compromises the work of the Council and leaves the impression that the Council is no longer a vehicle by which the general membership can express itself, but instead has become a vehicle driven by an elite few. The Council cannot afford to leave this impression if it is to meet the objective of "harmonizing actions of nations" as well as to fulfil the fundamental principle of equality among nations.

A case in point is the recent Security Council resolution 943 (1994), easing sanctions on Serbia and Montenegro. Late this summer, rumours were circulating among some Member States outside of the Council that such a resolution had been drafted. Later, rumour had it that just the opposite of that resolution had been drafted. The rumours continued and grew, with various spins on what type of resolution was, in fact, being drafted. This situation lasted for several weeks without any non-Council States having any idea of what was really taking place. Delegates following the situation in the former Yugoslavia had been reduced to gossip columnists watching the latest movements of their favorite celebrity. It was many weeks before initial drafts were circulated, and it is still doubtful whether resolution 943 (1994) reflects the views of the general membership.

And how is the Member State most directly affected by these deliberations supposed to react? Time and time again, my delegation and others must wait to see how the hundreds of thousands of civilians of our countries will be dealt with by the Security Council. It is not unlike the situation of the wife whose husband has been reported taken hostage by criminals, and is not informed on how the police intends to rescue her husband. Therefore, we would most enthusiastically welcome initiatives providing for open debates for all Members of this Organization, but it is important that interested Member States be allowed to make their input available, not as an afterthought to deliberations, but as a valuable resource to be utilized at the beginning of deliberations.

The Security Council has based its decisions solely on the information given to it by the Secretariat. This information has at times arrived too late, and at times has been either inconsistent or even suppressed. The case of Bosnia and Herzegovina again provides an example. The presidential statement adopted this past Tuesday was able to determine that an attack on Bangladeshi peace keepers was deliberate, yet was not able to specify who was responsible for the attack. We believe that the absurdity in this is self-evident.

Another case in point is Bihac. I should like to briefly quote from an Associated Press wire report dated 25 November:

> "A United Nations spokesman ... repeated assurances that rebel Serbs were respecting the Bihac zone, which is roughly six miles by five miles. He mentioned in passing, however, that a United Nations observation post had to be abandoned due to shell fire. Afterward, reporters with access to United Nations maps discovered the post was inside the safe zone."

This is clearly a case of suppression of information and tends to reek of independent agendas, apart from the interests that are to be pursued in accordance with the Charter. We do not know yet where this decision was made. If the Council decides to continue to rely on information solely from the Secretariat, than the Secretariat must be held to the highest standards of truth, and appropriate action should be taken in response to those who deprive the Security Council, and, in effect, the entire membership of the United Nations, of the truth. Anything less is an affront to all Member States, which depend upon the integrity of the Organization for their well-being and protection. In our case, this suppression has been the vehicle for our pursuit of even-handedness. While many can debate on whether or not the concept of even-handedness should be practised on absolute terms, I believe that we can all agree that even-handedness should not be pursued at the expense of the truth.

In the meantime, we realize that we have only the Security Council upon which to rely, and we will continue to work with present and incoming members in this regard. We will continue to provide the Council and non-Council States with the benefit of our experience, particularly in reference to transparency and provision of information. We look forward to these issues and shortcomings of the Council being addressed, and we would like to extend our most sincere appreciation to the Government and the delegation of France for taking upon themselves this very great responsibility which, we believe, has the potential to be implemented and can only improve the Security Council.

The President (*interpretation from French*): I thank the representative of Bosnia and Herzegovina for the kind words he addressed to me.

The President *(interpretation from French):* To conclude the present stage of the consideration of the item on the agenda, I have been authorized, following consultations among members of the Security Council, to make the following statement on behalf of the Council.

"The Security Council has heard the views of members of the Council and many other United Nations Member States on the item under discussion. These have revealed widespread support for greater recourse to open meetings of the Council and a clear will on the part of the members of the Council to respond to this. It is therefore the intention of the Council, as part of its efforts to improve the flow of information and the exchange of ideas between members of the Council and other United Nations Member States, that there should be an increased recourse to open meetings, in particular at an early stage in its consideration of a subject. The Council will decide on a case-by-case basis when to schedule public meetings of this sort. The Security Council's Working Group on Documentation and Procedure will examine further this question in the light of the views expressed and submit a report without delay.

"The Security Council will consider further this question."

This statement will be issued as a document of the Security Council under the symbol S/PRST/1994/81.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The Council will remain seized of the matter.

The meeting rose at 7.20 p.m.